

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES RIGGINS,

Plaintiff,

v.

CAROLYN W. COLVIN,
Commissioner of Social Security

Defendant.

NO: 2:15-CV-37-RMP

ORDER GRANTING STIPULATED
MOTION FOR REMAND

BEFORE THE COURT is the parties' Stipulated Motion for Remand, **ECF No. 19**. The parties move the Court to remand the above-captioned case for further administrative proceedings before an Administrative Law Judge, a *de novo* hearing, a reevaluation of Plaintiff's medical record, credibility, and residual functional capacity, and a new decision regarding Plaintiff's application for supplemental security income benefits under Title XVI of the Social Security Act. ECF No. 19. Plaintiff is represented by D. James Tree. Assistant United States Attorney Pamela J. DeRusha and Social Security Administration counsel Franco L.

1 Becia represent Defendant. The Court has reviewed the motion, all relevant
2 filings, and is fully informed. The Court finds good cause to grant the motion.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. The parties' Stipulated Motion for Remand, **ECF No. 19**, is **GRANTED**.

5 2. Plaintiff's Motion for Summary Judgment, **ECF No. 14**, is **STRICKEN**
6 **as moot**.

7 3. **Judgment** shall be **ENTERED** for Plaintiff.

8 4. Pursuant to sentence four of 42 U.S.C. § 405(g), the Commissioner's
9 decision in regard to Plaintiff's application for supplemental security
10 income benefits under Title XVI of the Social Security Act is
11 **REVERSED** and **REMANDED** to the Commissioner of Social Security
12 for further administrative proceedings before an Administrative Law
13 Judge, a *de novo* hearing, and a new decision. *See Melkonyan v. Sullivan*,
14 501 U.S. 89 (1991).

15 5. **Upon remand**, the Administrative Law Judge will conduct a new
16 hearing, further develop the record, and issue a new decision. The ALJ
17 will reevaluate and further develop the medical evidence or record. The
18 ALJ will reevaluate Plaintiff's credibility and residual functional
19 capacity. The ALJ will reevaluate steps two, three, four, and five of the
20 sequential evaluation process, with the assistance of a vocational expert if
21 necessary.

6. The Court will consider an application from Plaintiff for **reasonable attorney fees and costs** pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to this Court.

The District Court Clerk is directed to enter this Order, to provide copies to counsel, and to **close** this case.

DATED this 23rd day of November 2015.

s/ Rosanna Malouf Peterson
 ROSANNA MALOUF PETERSON
 Chief United States District Judge